

REMARKS

Claims 1-30 are pending in this application. Applicant is amending herewith Claims 1, 11, 12, 22-25 and 27-29. Support for these amendments is found throughout the application. Applicant is deleting herewith without prejudice Claims 3, 10, 14, and 21. Applicant is adding herewith new Claims 31-42. Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and the following remarks.

The Office Action:

Claims 23-25 and 29 were rejected under 35 U.S.C. § 112, first and second paragraphs, as being indefinite and lacking enablement. Claims 28 and 29 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1, 2, 5-13, 16-21, and 23-30 were rejected under 35 U.S.C. § 112, second paragraph, as lacking enablement. Claims 1-6, 11-17 and 22-30 were rejected under 35 U.S.C. § 102(b) in view of the patent to Ray et al. (U.S. Patent No. 3,931,064) or the patent to Blount (U.S. Patent No. 4,863,518). Applicant respectfully traverses the foregoing rejections.

Rejection Under 35 U.S.C. § 112:

Claims 23-25 and 29 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The rejection states that the term “of a type” renders the claims indefinite. Applicant is amending the claims herewith to remove the term “of the type.” Applicant submits that the amendment of these claims overcomes the rejection.

Claims 23-25 and 29 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter not described in the specification in such a way as to enable one skilled in the art to make and use the invention. The rejection states that applicants have failed to

provide adequate guidance with respect to the species or characteristics that fall within the scope of the term “of the type.” As stated above, Applicant is amending the claims herewith to remove the term “of the type.” Applicant submits that the amendment of these claims overcomes the rejection.

Claims 28 and 29 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The rejection states that the significance of the term “Side B” is unclear. Applicant submits that the term “Side B” is a term of art well known to those skilled in the art, and, therefore, not unclear. Furthermore, the specification of the present application, at page 7, lines 6-16 states:

Polyurethane is a polymerization product of a polyol component, an isocyanate component, water (optional) and a catalyst system that promotes a polymerization reaction between the isocyanate component and the polyol component to form the polyurethane. Conventional practice in the art is to form an isocyanate mixture, referred to as SIDE A; and to form a mixture of polyols, chain extenders, cross-linking agents, fillers, blowing agents, surfactants, catalysts etc., commonly referred to as SIDE B. The SIDE A component and the SIDE B component are mixed together at a desired ratio to form the polyurethane polymer. See U.S. Pat. No. 5,159,012 the disclosure of which is incorporated herein by reference.

Thus, the present application clearly defines what is meant by “Side A” and “Side B.” Accordingly, applicant submits that the term “Side B” is not unclear and that the rejection of the claims as indefinite is improper. Therefore, applicant respectfully requests that the rejection of Claims 28 and 29 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claims 1, 2, 5-13, 16-21, and 23-30 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter not described in the specification in such a way as to enable one skilled in the art to make and use the invention. The rejection states that the

Serial No. 10/007,178

specification does not provide enablement for the use of glass cullet having a pH in deionized water that exceeds 8.4 and that such glass cullet has been described in the specification as being unsuitable for use in the invention. Applicant is amending the pending claims herewith to add the pH limitation into all of the independent claims. Applicant submits that the amendment of these claims overcomes the rejection.

Rejection Under 35 U.S.C. § 102:

Claims 1-6, 11-17 and 22-30 were rejected under 35 U.S.C. § 102(b) in view of the patent to Ray et al. (U.S. Patent No. 3,931,064) or the patent to Blount (U.S. Patent No. 4,863,518). The rejection states that the patents to Ray et al. and Blount disclose the use of glass particles of equivalent size in polyurethane compositions. The rejection further states that the claimed properties are considered inherent. The rejection also states that the claimed glass cullet has not been distinguished from the disclosed glass particles. Applicants respectfully disagree. However, in view of the foregoing amendments, Applicant submits that the rejection is now moot.

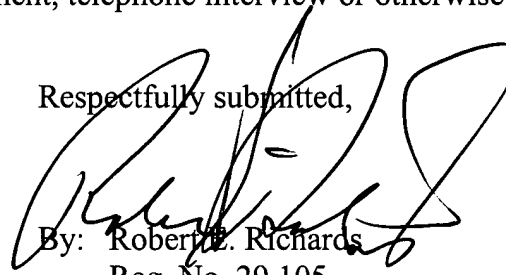
New Claims:

Applicants are adding herewith new Claims 31-42. Claims 31-34 are independent claims that correspond to dependent claims 7-10 which were not rejected under 35 U.S.C. § 102. Applicant submits that Claims 31-34 are allowable for the same reasons as Claims 7-10. Claims 35-42 are dependent claims. Applicant submits that Claims 35-42 are allowable for the same reasons as those stated for the independent claims from which they depend.

Conclusion:

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and remarks. Such action is courteously solicited. Applicant further requests that the Examiner call the undersigned counsel if allowance of the claims can be facilitated by examiner's amendment, telephone interview or otherwise.

Respectfully submitted,



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Serial No. 10/007,178